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ATTORNEYS AT LAW

July 18, 2002

EX PARTE – Via Electronic Filing

Ms. Marlene Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Re: E911 Phase II Implementation, CC Docket No. 94-102

Dear Ms. Dortch:

On Wednesday, July 17, 2002, Brian O'Connor, Bob Calaff, Jim Nixon, Mark Cosgrove and John Pottle (all of VoiceStream), and John Nakahata (representing VoiceStream) met with Tom Sugrue, Jim Schlichting, Joel Taubenblatt, Barry Ohlson, Blaise Scinto, Dan Grosh, Patrick Forster, and Jennifer Tomchin, of the Wireless Telecommunications Bureau, to discuss VoiceStream's ongoing implementation of Phase II E911 requirements.

During the course of the meeting, VoiceStream reported on the current status of its development and deployment of Phase II technologies in its network. At this time, VoiceStream has deployed NSS technology in its network in those areas of its network that have mobile switching centers ("MSCs") manufactured by Ericsson and Nortel.[1] It is working with PSAPs to deliver Phase II information from NSS to the PSAPs in a form the PSAPs can utilize.

With respect to the areas served by MSCs manufactured by Nokia, Nokia continues to be unable to deliver to VoiceStream a stable, workable form of software (S.10) to implement NSS in VoiceStream's base station controllers ("BSCs"). S.10 is a complex, global software release within which Nokia decided to include many advanced features and functionalities in addition to NSS. VoiceStream and Nokia have been actively working to resolve the S.10 problems, which first surfaced in VoiceStream's FOA tests in April 2002. Nokia is contractually required to deliver VoiceStream a product that works, and must indemnify VoiceStream against Nokia-created delays. Deployment of

[1] VoiceStream is continuing to replace equipment in a western Virginia portion of the Washington, DC MTA. Originally, VoiceStream anticipated that all of that equipment would be replaced by July 31, 2002. It now anticipates that over 70% will be replaced by July 31, 2002, and the balance will be completed in August 2002. Once replaced, this equipment will have NSS capability deployed in the network.

NSS for the Nokia system will be completed once these technical problems are resolved and the final software is successfully tested. Currently, 16 Nokia BSC's have been upgraded but are showing major customer affecting performance issues. Normally such problems would trigger the removal of the software from the network, but due to the urgency of the NSS deployments VoiceStream has opted to keep the software in field to facilitate Nokia problem solving. The problems with Nokia's S.10 have been week-to-week, and thus it was only recently that VoiceStream has reached the regrettable conclusion that it is unlikely that its areas served by Nokia MSCs will have NSS deployed in the network by July 31, 2002, as VoiceStream had proposed in its Amended Request for Limited Modification of its E911 Phase II Implementation Plan (Amended Modification Request).

VoiceStream's FOAs of E-OTD for Nortel and Ericsson platforms are now scheduled to begin by the end of July for Nortel and by mid-August for Ericsson. The Nokia FOA for the E-OTD system also is dependent upon successful installation and testing of the S.10 software. In light of the anticipated dates to begin E-OTD FOAs, VoiceStream is currently evaluating whether it will continue to be able to meet the December 31, 2002, deadline for deploying all Phase II requests made prior to June 30, 2002, as it had proposed in its Amended Modification Request. However, the longer it takes for Nokia to deliver a stable, working version of its S.10 software, the less likely it will be that VoiceStream can complete all pre-June 30, 2002 Phase II requests by year end. Nokia MSCs represent approximately 28 percent of VoiceStream's network.

VoiceStream continues to anticipate that it will approve an E-OTD capable handset for commercial distribution by September 1, 2002, as proposed in its Amended Modification Request. Pre-approval accuracy testing will be limited by the number of actual, operating networks available on which to test. VoiceStream presently anticipates that it will be able to meet the Commission's benchmarks for activations of E-OTD capable handsets, although it may be difficult to achieve a literal 100 percent new activation rate by June 30, 2003. This is due to some amount of obsolete product residing in, for example, dealer warehouses as well as a very small number of high-end, specialized data terminals (such as PDAs or computer cards) that are not E-OTD capable. VoiceStream fully expects to have 100 percent of its general market handset activations E-OTD capable by the benchmark date.

VoiceStream continues to believe that its NSS deployments will better the Commission's 1000-meter accuracy standard, and that its E-OTD handsets will meet the 100-meter standard applicable this year. VoiceStream is continuing to conduct accuracy testing and to review both its own results and those of other trials. VoiceStream currently remains optimistic that its handsets will be able to meet the 50-meter standard that will be applicable as of October 1, 2003. However, as VoiceStream has previously made clear, the technology to meet this threshold is still being developed and presents a number of technical and logistical challenges. E-OTD continues to be the most promising GSM solution for the Commission's accuracy goals.

VoiceStream, prudently, also continues to monitor the development of other automatic location identification technologies. However, it is not sensible, given the tight timelines, simultaneously, to work with VoiceStream's infrastructure vendors to refine the E-OTD system and to push those same vendors to develop alternative technologies. VoiceStream, however, remains open to considering other solutions, *if* those other solutions can demonstrate that they will not only work in

the real world but that they can be incorporated into the infrastructure vendors' equipment to meet the Commission's requirements in a timely fashion. At present, VoiceStream continues to believe that E-OTD offers it the best chance to meet the Commission's accuracy standards in the timeframes established by the Commission. VoiceStream does not have sufficient confidence that another technology can meet the FCC's requirements by October 1, 2003, to divert time and attention from what VoiceStream currently anticipates will be a successful E-OTD deployment.

In accordance with the Commission's rules, a copy of this letter is being filed electronically in the above-captioned docket.

Sincerely,

John T. Nakahata
Counsel to VoiceStream Wireless

JTN/krs